

**MINUTES  
FREMONT CITY COUNCIL REGULAR MEETING  
JANUARY 12, 2010  
FREMONT CITY HALL  
7:00 P.M.**

**1. PRELIMINARY**

**1.1 Call to Order:** Mayor Wasserman called the meeting to order.

**1.2 Flag Salute:** Salute to the Flag was conducted prior to the start of the Council Work Session.

**1.3 Roll Call:** Present: Mayor Wasserman, Vice Mayor Wieckowski, Councilmembers: Natarajan, Harrison, and Chan.

**1.4 Announcements by Mayor/City Manager**

Mayor Wasserman announced vacancies to various City Boards, Commissions and Committees.

**2. CONSENT CALENDAR**

- \* **2.1 Waive Reading of Ordinances:** The City Attorney read the titles of ordinances to be considered.

On a motion by Councilmember Harrison, seconded by Councilmember Natarajan, the City Council waived further readings of proposed ordinances.

Ayes:	Mayor Wasserman, Vice Mayor Wieckowski, Councilmembers: Natarajan, Harrison and Chan
Noes:	None
Absent:	None
Abstain:	None

- \* **2.2 Approval of Minutes**

On a motion by Councilmember Harrison, seconded by Councilmember Natarajan, the City Council approved the minutes for the Work Session and Regular Meeting of December 15, 2009

Ayes:	Mayor Wasserman, Vice Mayor Wieckowski, Councilmembers: Natarajan, Harrison and Chan
Noes:	None
Absent:	None
Abstain:	None

**\* 2.3 Mayor Wasserman opened consideration of Initiation of a Proceeding to Consider a General Vacation to Abandon Railroad Avenue in the Irvington Planning Area**

On a motion by Councilmember Harrison, seconded by Councilmember Natarajan, the City Council adopted a motion initiating a general vacation proceeding pertaining to the subject property and directed the City Clerk to set and publicly notice a public hearing to be held on February 23, 2010.

Ayes: Mayor Wasserman, Vice Mayor Wieckowski,  
Councilmembers: Natarajan, Harrison and Chan  
Noes: None  
Absent: None  
Abstain: None

**\* 2.4 Mayor Wasserman opened consideration of Report of Actions Taken by the City Manager during Council Recess, December 16, 2009 through January 11, 2010**

On a motion by Councilmember Harrison, seconded by Councilmember Natarajan, the City Council received a report acknowledging actions taken by the City Manager or designee during the recess.

Ayes: Mayor Wasserman, Vice Mayor Wieckowski,  
Councilmembers: Natarajan, Harrison and Chan  
Noes: None  
Absent: None  
Abstain: None

**\* 2.5 Mayor Wasserman opened consideration of Acceptance of the Fremont Redevelopment Agency's Annual Report of Financial Transactions and Housing Activities Report**

On a motion by Councilmember Harrison, seconded by Councilmember Natarajan, the City Council accepted the Redevelopment Agency Annual Report as submitted to the State Controller.

Ayes: Mayor Wasserman, Vice Mayor Wieckowski,  
Councilmembers: Natarajan, Harrison and Chan  
Noes: None  
Absent: None  
Abstain: None

**\* 2.6 Mayor Wasserman opened consideration to Approve and Authorize the Extension of the Office Depot Contract, Through the U.S. Communities Government Purchasing Alliance, Through January 2, 2011**

On a motion by Councilmember Harrison, seconded by Councilmember Natarajan, the City Council authorized the City Manager or his designee to approve the extension of the Office Depot contract through the U.S. Communities Government Purchasing Alliance and issue a purchase order not to exceed \$350,000 for calendar year 2010.

Ayes: Mayor Wasserman, Vice Mayor Wieckowski,  
Councilmembers: Natarajan, Harrison and Chan  
Noes: None  
Absent: None  
Abstain: None

**\* 2.7 Mayor Wasserman opened consideration of Adoption of a Resolution Appropriating \$1,059,991 in Federal HOME Program Funds for the Construction of Allied Housing- Main Street Village Project Planned for 3615/3657 Main Street and 41037/41045 High Street in the Irvington Redevelopment Area**

On a motion by Councilmember Harrison, seconded by Councilmember Natarajan, the City Council adopted Resolution No. 2010-01 to:

1. Appropriate \$1,059,991 in HOME funds to Allied Housing's Main Street Village project (911HHD6113), located in the Irvington Project Area; and
2. Approve the substitution of \$1,059,991 in previously approved Agency Affordable Housing funds with an equal amount of HOME funds in the form of a loan, subject to the conditions set forth in the loan terms previously approved by the Agency Board; and
3. Authorize the City Manager or his designee to take such other actions and execute loan documents prepared and approved by the Agency's Special Counsel and City Attorney.

Ayes: Mayor Wasserman, Vice Mayor Wieckowski,  
Councilmembers: Natarajan, Harrison and Chan  
Noes: None  
Absent: None  
Abstain: None

**\* 2.8 Mayor Wasserman opened consideration of Transmittal of FY 2008/09 Audit Reports**

On a motion by Councilmember Harrison, seconded by Councilmember Natarajan, the City Council received audit reports and filed.

Ayes: Mayor Wasserman, Vice Mayor Wieckowski,  
Councilmembers: Natarajan, Harrison and Chan  
Noes: None  
Absent: None  
Abstain: None

**\* 2.9 Mayor Wasserman opened consideration of Public Hearing (Published Notice) to Consider the Planning Commission's Recommendation of an Ordinance to Amend Development Agreement DA-92-1 To Allow a Time Extension and Update of Terms For**

**Property Located at the Southern Terminus of Fremont Boulevard, North of Dixon Landing Road Interchange, and West of Interstate 880 in the Industrial Planning Area**

On a motion by Councilmember Harrison, seconded by Councilmember Natarajan, the City Council:

1. Held public hearing.
2. Found the proposed project (Third Amendment to DA—PLN2009-00187) is in conformance with relevant provisions contained in the City's General Plan. These provisions include the designations, goals and policies set forth in the General Plan's Land Use Chapter under Restricted Industrial District, Commercial/Industrial Overlay.
3. Found the proposed project (Third Amendment to DA—PLN2009-00187) is in compliance with the applicable requirements as set forth in the Fremont Municipal Code.
4. Found that the proposed project is consistent with the scope and analysis of certified EIR (SCH#2008042116) and that no additional environmental review is required per CEQA Guideline 15162 as there have been no changes to the project involving new significant or substantially increased environmental effects, changes to circumstances, or new information concerning significant effects, mitigations, or alternatives.
5. Waived full reading and introduced an Ordinance amending Development Agreement DA-92-1 by a) extending the term of the Agreement for ten years to March 31, 2020; and, b), providing a Traffic Impact Fee credit and Interchange Improvement Reimbursement as specified in the Third Amendment.
6. Directed staff to prepare and the City Clerk to publish a summary of the above Ordinance.

Ayes: Mayor Wasserman, Vice Mayor Wieckowski,  
Councilmembers: Natarajan, Harrison and Chan  
Noes: None  
Absent: None  
Abstain: None

**\* 2.10 Mayor Wasserman opened consideration of Public Hearing (Published Notice) to Consider a Planning Commission Recommendation of a Planned District Major Amendment (Introduction of an Ordinance) and Zoning Administrator Permit Amendment to Allow a Time Extension for the Required Cessation Date of a Previously Approved Interim Concrete Recycling Facility from January 1, 2012 to December 31, 2015 (PLN2010-00062)**

On a motion by Councilmember Harrison, seconded by Councilmember Natarajan, the City Council:

1. Held public hearing;
2. Found that the project is consistent in nature and scope with the original Planned District approval previously analyzed in Environmental Impact Report SCH#2001122003 and that therefore no further environmental review is necessary;
3. Waived full reading and introduced an ordinance amending Planned District P-2005-262(F) to allow concrete and asphalt recycling activities to continue at the subject

- property until December 31, 2015 in accordance with Exhibit “A” based on the findings contained in Exhibit “B”; and
4. Approved the proposed the Amendment to Zoning Administrator Permit PLN2007-00328 as per Exhibit “C”.

Ayes: Mayor Wasserman, Vice Mayor Wieckowski,  
Councilmembers: Natarajan, Harrison and Chan  
Noes: None  
Absent: None  
Abstain: None

**\* 2.11 Mayor Wasserman opened consideration of a Public Hearing (Published Notice) to Waive Full Reading and Introduce an Ordinance to Consider Planning Commission Recommendation to Amend Fremont Municipal Code Title 8, Chapter 2 to Prohibit the Use "Adult Encounter Center" Citywide and Make Minor Changes to the Locational Criteria**

On a motion by Councilmember Harrison, seconded by Councilmember Natarajan, the City Council:

1. Held public hearing.
2. Found that the proposed Zoning Text Amendment is exempt from the California Environmental Quality Act per Guideline 15061(b)(3), the general rule, which applies when the activity has no potential for causing a significant effect on the environment.
3. Found that the Zoning Text Amendment is in conformance with the relevant provisions contained in the City’s General Plan. These provisions include the goals and objectives set forth in the General Plan’s Fundamental Goals and Local Economy Chapter as enumerated within the staff report.
4. Found the public necessity, convenience, and general welfare require the adoption of this Zoning Text Amendment because the use adult encounter center is not appropriate anywhere in the City, including the Central Business District, the cultural/civic center of the community, where all age groups, including families with children, congregate.
5. Waived full reading and introduce an ordinance adopting the proposed Zoning Text Amendment.

Ayes: Mayor Wasserman, Vice Mayor Wieckowski,  
Councilmembers: Natarajan, Harrison and Chan  
Noes: None  
Absent: None  
Abstain: None

### **3. CEREMONIAL ITEMS**

#### **3.1 Proclamation: National Blood Donor Month**

**3.2 Resolution: Congratulating Phil Holmes for his recognition by the Washington Township Historical Society, Mission Peak Heritage Foundation, and the Museum of Local History as the “Official” Historian of Fremont, California**

**3.3 Resolution: Recognizing Andrew MacRae for His Dedication & Service for the Webcam Presence at Lake Elizabeth**

**3.4 Resolution: Honoring the Fremont Police Department SWAT Team**

#### **4. PUBLIC COMMUNICATIONS**

##### **4.1 Oral and Written Communications**

Alex Starr (League of Women Voters of Fremont, Newark and Union City) invited the community to a public forum on the California Constitutional Convention hosted by the Tri-City Mayors to be held at 7 p.m. on January 25 at the Ohlone College Newark campus.

#### **5. SCHEDULED ITEMS – None.**

##### **5.1 Mayor Wasserman opened consideration of a Public Hearing (Published Notice) and Adopt Resolution Authorizing City of Fremont Participation in the CaliforniaFIRST Program for Financing of Renewable Energy, Energy Efficiency, and Water Efficiency Projects**

Policy and Special Projects Manager Dan Schoenholz provided an overview of the program. Staff responded to questions from Councilmembers. Mayor Wasserman opened the public hearing. There were no speakers. Mayor Wasserman closed the public hearing.

On a motion by Councilmember Harrison, seconded by Vice Mayor Wieckowski, the City Council:

1. Held a public hearing.
2. Adopted Resolution No. 2010-02 authorizing the City of Fremont’s participation in the CaliforniaFIRST program offered by the California Statewide Communities Development Authority (CSCDA).

Ayes:	Mayor Wasserman, Vice Mayor Wieckowski, Councilmembers: Natarajan, Harrison and Chan
Noes:	None
Absent:	None
Abstain:	None

##### **5.2 Mayor Wasserman opened consideration to Adopt Resolution Authorizing Sacramento County to Act as Lead Applicant for a Municipal Financing Program Grant (SEP 1) and Resolution Authorizing the Association of Bay Area Governments to Act as Lead Applicant for a California Comprehensive Residential Building Retrofit Grant (SEP 2)**

Staff responded to questions from Councilmembers. There were no speakers.

On a motion by Councilmember Natarajan, seconded by Councilmember Chan, the City Council:

1. Adopted Resolution No. 2010-03 authorizing Sacramento County to Act as Lead Applicant for a Municipal Financing Program Grant on Behalf of the City of Fremont.
2. Adopted Resolution No. 2010-04 authorizing the Association of Bay Area Governments to Act as Lead Applicant for a California Comprehensive Residential Building Retrofit Grant on Behalf of the City of Fremont.

Ayes: Mayor Wasserman, Vice Mayor Wieckowski,  
Councilmembers: Natarajan, Harrison and Chan  
Noes: None  
Absent: None  
Abstain: None

**5.3 Mayor Wasserman opened consideration of Public Hearing (Published Notice) to Consider an Appeal of a Planning Commission Decision to Deny a Tentative Parcel Map Application (TPM 8265) to Subdivide a 1.02-acre Parcel into Two Single-Family Lots (PLN2009-00175)**

Councilmember Chan recused herself due to a conflict of interest as the appellant's neighbor is a client of her family's dental practice and left the chambers.

Planning Director Jeff Schwob provided an overview of the project. Mayor Wasserman opened the public hearing. Joselyn Wang (speaking on behalf of the applicants, Michael and Mingchen Hsu Wang) presented their reasons for requesting a subdivision at 46953 Ocotillo Court. Justin Wang and Maria Park spoke in support of the requested subdivision. Jim Reeder, Melissa Frank, Joe Kwok, and Manly Johnson spoke in opposition to the requested subdivision. Russell Engle shared several observations related to the proposed subdivision request. Ms. Wang provided rebuttal comments. There were no other speakers. Staff and Ms. Wang responded to questions from Councilmembers. Councilmembers provided comment.

It was moved by Councilmember Wieckowski for the City Council to reverse the Planning Commission's decision and grant the appeal to the applicants, Michael and Mingchen Hsu Wang. Motion died due to lack of a second.

On a motion by Councilmember Natarajan, seconded by Councilmember Harrison, the City Council:

1. Held public hearing; and
2. Upheld the Planning Commission's decision and directed staff to prepare findings for denial of the project and continued the hearing to the January 26, 2010 City Council meeting.

Ayes: Mayor Wasserman,  
Councilmembers: Natarajan and Harrison  
Noes: Vice Mayor Wieckowski  
Absent: None  
Abstain: Councilmember Chan

Councilmember Chan returned for the remainder of the meeting.

## **6. REPORT FROM CITY ATTORNEY**

### **6.1 Mayor Wasserman opened consideration of a Report Out from Closed Session of Any Final Action – None.**

## **7. OTHER BUSINESS**

### **\*7.1 Mayor Wasserman opened consideration of Authorization for the City Manager or Designee to Purchase Fleet Replacement Vehicles from Frontier Ford in an Amount Not to Exceed \$353,811 and from Maita Chevrolet in an Amount Not to Exceed \$177,813 and Delegation of Authority to the City Manager or Designee to Execute Fleet Purchases from the Multi-Year Vehicle Bids**

On a motion by Councilmember Harrison, seconded by Councilmember Natarajan, the City Council:

1. Authorized the City Manager or designee to execute a purchase order with Frontier Ford in an amount not to exceed \$353,811 for the purchase of 13 Crown Victoria police patrol replacement vehicles.
2. Authorized the City Manager or designee to execute a purchase order with Maita Chevrolet in an amount not to exceed \$177,813 for the purchase of five Chevrolet Tahoe fire command replacement vehicles.
3. Delegated authority to the City Manager or designee to execute purchase orders for replacement vehicle and equipment that are over \$100,000 during the 2009/10 fiscal year, so long as the purchases are from the Council-approved Multi-Year Vehicle Bids using the approved vendors and low-bid prices, and are within the FY 2009/10 vehicle replacement appropriation.

Ayes: Mayor Wasserman, Vice Mayor Wieckowski,  
Councilmembers: Natarajan, Harrison and Chan  
Noes: None  
Absent: None  
Abstain: None

\*(This item was added to the Consent Calendar)

### **\*7.2 Mayor Wasserman opened consideration of Approval of Plans and Specifications and Award of Contract in the Amount of \$992,699.68 to the Lowest Responsible Bidder for**



**the Grimmer Greenbelt Gateway Phase 1 (Paseo Padre Parkway Intersection Improvements) Project, City Project No. 8679A (PWC)**

On a motion by Councilmember Harrison, seconded by Councilmember Natarajan, the City Council continued the matter to the January 26, 2010 City Council meeting to allow staff additional time to respond to a bid protest from the second bidder.

Ayes: Mayor Wasserman, Vice Mayor Wieckowski,  
Councilmembers: Natarajan, Harrison and Chan  
Noes: None  
Absent: None  
Abstain: None

\*(This item was added to the Consent Calendar)

**8. COUNCIL COMMUNICATIONS**

**8.1 Council Referrals – None.**

**8.2 Oral Reports on Meetings and Events – None.**

**9. ADJOURNMENT:** There being no further business, Mayor Wasserman adjourned the meeting at 8:45 p.m.

Attest:

Approved:

\_\_\_\_\_  
Dawn G. Abrahamson, City Clerk

\_\_\_\_\_  
BOB WASSERMAN, Mayor